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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/933,164	08/21/2001	Wataru Ito	500.40539X00	6449

20457 7590 10/21/2004

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EXAMINER

CHOOBIN, BARRY

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/933,164	ITO ET AL.	
	Examiner	Art Unit	
	Barry Choobin	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-26 and 33-35 is/are allowed.
- 6) ☒ Claim(s) 1, 27 and 29-32 is/are rejected.
- 7) ☒ Claim(s) 2-13 and 28 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 08/21/01, 04/14/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: IDS, 06/9/04, 09/13/04.

DETAILED ACTION

Drawings

1. Figure 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.121(d)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on September 13, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

3. The information disclosure statement (IDS) submitted on June 8, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

4. The information disclosure statement (IDS) submitted on April 13, 2004 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

5. The information disclosure statement (IDS) submitted on August 21, 2001 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamaguchi et al (US 5,798,787).

As to claim 1, Yamaguchi et al disclose an object detecting method for detecting an object in a predetermined monitor area (fig.14) comprising the steps of imaging a plurality of different areas in said predetermined monitor area having no object at a predetermined time by an imaging device and registering respective images corresponding to said different areas having no image of said object to be detected (column 9, lines 30-48 wherein a plurality areas with the flag 0 stored in the management table 370 corresponds to registering images with no object); at a different time from said predetermined time, imaging said predetermined monitor area by said imaging device (column 9, lines 33-35); comparing an image from said imaging device with a corresponding one of said plurality of registered images (column 9, lines 30-48 wherein image variation corresponds to comparing); and detecting said object to be detected based on a result of the comparison (column 9, lines 37-39).

As to claim 27, Yamaguchi et al disclose an imaging device comprising;
an image input interface connected to said imaging device for converting a video signal
of the imaging device to image data (fig.1); a processing unit including a central
processing unit and a memory for processing said image data (fig.1); and
a bus for interconnecting said image input interface and said processing unit (fig.1);
wherein in order to detect the object, said processing unit controls said object detecting
apparatus such that images from said imaging device imaging said predetermined
monitor area having no object to be detected are stored sequentially in said memory
(see claim 1); an image from said imaging device imaging said predetermined monitor
area in accordance with a predetermined scanning pattern to said processing unit is
sequentially inputted (see claim 1); an image having no object to be detected
corresponding to said inputted image is read out of said memory (see claim1); and
said input image and said read image having no object to be detected are compared
and based on a result of comparison (see claim1), object detection processing is
carried out (see calim1).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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9. Claims 29-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaguchi et al in view of Lee (US 6,507,366).

As to claim 29, Yamaguchi et al disclose the apparatus according to claim 27 (see claim 27 above).

Yamaguchi et al does not expressly disclose a zoom lens control unit connected to said bus for changing a zoom ratio of a zoom lens of said imaging device, and a pan and tilt head control unit for changing an imaging direction of said imaging device.

Lee discloses a zoom lens control unit connected to said bus for changing a zoom ratio of a zoom lens of said imaging device, and a pan and tilt head control unit for changing an imaging direction of said imaging device (fig.1).

Lee and Yamaguchi et al are combinable because they are from field of endeavor of object tracking.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify Yamaguchi et al with the Zoom control unit and the pan and tilt control unit of Lee in order to automatically track an object (fig.1).

The motivation/suggestion for doing so would have been to automatically tracking a moving object, so that the object is always positioned in front of the lens of a camera by controlling the camera (column 1, lines 6-10).

Therefore, it would have been obvious to combine Yamaguchi et al with Lee to obtain the invention as specified in claim 29.

As to claims 30 and 31, Lee disclose said imaging device is mounted on a moving unit (rotating the camera corresponds to moving unit. See column 3, lines 1-10)

As to claim 32, Lee discloses moving device includes a pan and tilt head (column 3, lines 11-26).

Allowable Subject Matter

10. Claims 2-13, 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 14-26 and 33-35 are allowed.

CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry Choobin whose telephone number is 703-306-5787. The examiner can normally be reached on M-F 7:30 AM to 18:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on 703-308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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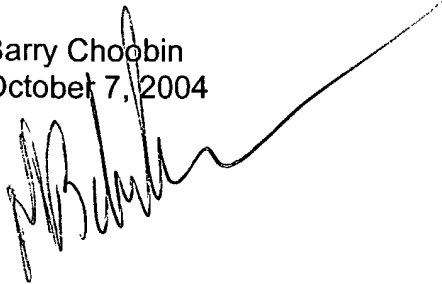
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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Barry Choobin
October 7, 2004

A handwritten signature in black ink, appearing to read 'Barry Choobin', with a long, sweeping horizontal stroke extending to the right.